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LA CANADA VENTURES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LA CANADA VENTURES, INC.,

Plaintiff,
vs.

MDALGORITHMS, INC.,

Defendant.

Case No.: 3:22-cv-07197-RS

**DECLARATION OF ANDREW S.
DALLMANN IN SUPPORT OF LA
CANADA VENTURES INC.'S MOTION
TO DISMISS DEFENDANT'S
COUNTERCLAIMS**

FED. R. CIV. P. 12(B)(6)

Judge: Richard Seeborg
Courtroom:3
Date: November 2, 2023
Time:1:30 p.m.

I, Andrew S. Dallmann, declare as follows:

1. I am a member in good standing of the bar of the State of California and the bar of this Court, and counsel of record for La Canada Ventures Inc. in this action. Unless otherwise stated, I have personal knowledge of the facts set forth herein.

2. Attached as **Exhibit A** is a true and correct copy of La Canada's Certificate of Registration for U.S. Registration 4,471,494 for the MD trademark, obtained from the online records of the U.S. Patent and Trademark Office ("USPTO") and produced by La Canada to MDalgorithms bearing production numbers LCV0000075.

3. Attached as **Exhibit B** is a true and correct copy of MDalgorithms' Certificate of Registration for U.S. Registration 4,946,004 for the MDACNE trademark, obtained from the online records of the USPTO.

4. Attached as **Exhibit C** is a true and correct copy of MDalgorithms' Certificate of Registration for U.S. Registration 5,519,511 for the MDACNE trademark, obtained from the online records of the USPTO.

5. Attached as **Exhibit D** is a true and correct copy of MDalgorithms' Certificate of Registration for U.S. Registration 6,668,393 for the MDACNE trademark, obtained from the online records of the USPTO.

6. Attached as **Exhibit E** is a true and correct copy of MDalgorithms' Certificate of Registration for U.S. Registration 6,617,014 for the MDHAIR trademark, obtained from the online records of the USPTO.

7. Below is a table synthesizing the relative dates of use and registration of La Canada's MD® mark and MDalgorithms' MDacne and MDhair marks as reflected in the Certificates of Registration attached hereto as Exhibits A-E.

<u>Registrant</u>	<u>Mark</u>	<u>Goods/Services.</u>	<u>Date of Registration</u>	<u>Date of First Use</u>
La Canada	MD	Class 3: Cosmetics; Hair shampoos and conditioners; Non-medicated acne	January 21, 2014	January 1, 2012

<u>Registrant</u>	<u>Mark</u>	<u>Goods/Services.</u>	<u>Date of Registration</u>	<u>Date of First Use</u>
		treatment preparations; Non-medicated toiletries		
		Class 5: Acne treatment preparations; nutraceuticals for the treatment of hair loss; nutraceuticals for use as a dietary supplement		
MDalgorithms	MDacne	Class 9: Computer software and downloadable computer software for education and advice in the field of the care and treatment of skin disorders, namely, acne.	April 26, 2016	May 16, 2010
		Class 41: Providing a website featuring information and advice in the field of the diagnosis and treatment of acne.		
		Class 5: Medicated skin treatment and cleansing creams	July 17, 2018	December 1, 2017
		Class 3: Non-medicated skincare preparations	March 8, 2022	November 21, 2021
	MDhair	Class 42: Providing temporary use of on-line non-downloadable computer software for education and advice in the field of the care and treatment of skin and hair	January 11, 2022	September 13, 2021

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct. Executed this 27th day of September at Lake Elsinore, California.

/s/ Andrew S. Dallmann

Andrew S. Dallmann

CERTIFICATE OF SERVICE

I certify that on September 27, 2023, I electronically transmitted the foregoing document using the CM/ECF system for filing, which will transmit the document electronically to all registered participants as identified on the Notice of Electronic Filing

/s/ Cecil E. Key

Cecil E. Key